

69 RCE

**REQUEST FOR CONTINUED  
EXAMINATION (RCE) TRANSMITTAL**



Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |                     |
|------------------------|---------------------|
| Application Number     | 09/748,098          |
| Filing Date            | December 21, 2000   |
| First Named Inventor   | Nicholas J. Kelsey  |
| Group Art Unit         | 2183                |
| Examiner Name          | Charles A. Harkness |
| Attorney Docket Number | 20880-05093         |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-entitled application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

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**SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

07/22/2004 SZEWDIE1 00000102 09748098

01 FC:2801  
02 FC:2202

385.00 OP  
72.00 OP

**Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☒ Return Postcard
- c. ☐ Other \_\_\_\_\_

**Fees**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account No. 19-2555
- ☒ Fee Transmittal Enclosed (in duplicate)
- ☒ Check in the amount of \$457 enclosed

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |                  |                                   |               |
|-------------------|------------------|-----------------------------------|---------------|
| Name (Print/Type) | Hector J. Ribera | Registration No. (Attorney/Agent) | 54,397        |
| Signature         |                  | Date                              | July 19, 2004 |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office, or if the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on:

|                   |                  |                                   |               |
|-------------------|------------------|-----------------------------------|---------------|
| Name (Print/Type) | Hector J. Ribera | Registration No. (Attorney/Agent) | 54,397        |
| Signature         |                  | Date                              | July 19, 2004 |
| Express Mail No.  |                  |                                   |               |

U.S. PATENT & TRADEMARK OFFICE  
JUL 22 2004

|   |  |                          |                     |
|---|--|--------------------------|---------------------|
| <b>FEE TRANSMITTAL</b><br><b>for FY 2004</b><br>Patent fees are subject to annual revision. |  | <b>Complete if Known</b> |                     |
|   |  | Application Number       | 09/748,098          |
|   |  | Filing Date              | December 21, 2000   |
|   |  | First Named Inventor     | Nicholas J. Kelsey  |
|   |  | Examiner Name            | Charles A. Harkness |
|   |  | Art Unit                 | 2183                |
|   |  | Attorney Docket No.      | 20880-05093         |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27   |  |                          |                     |
| <b>TOTAL AMOUNT OF PAYMENT (\$)</b> 457   |  |                          |                     |

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|   |                                    |
|---|------------------------------------|
| <b>METHOD OF PAYMENT</b> (check all that apply)<br><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None<br><input type="checkbox"/> Deposit Account:<br>Deposit Account Number: 19-2555<br>Deposit Account Name: Fenwick & West LLP<br>The Commissioner is authorized to: (check all that apply)<br><input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments<br><input checked="" type="checkbox"/> Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application<br><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee<br>to the above-identified deposit account. | <b>FEE CALCULATION</b> (continued) |
|---|------------------------------------|

| 3. ADDITIONAL FEES        |          |              |          |  |          |
|---------------------------|----------|--------------|----------|--|----------|
| Large Entity              |          | Small Entity |          | Fee Description  | Fee Paid |
| Fee Code                  | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051                      | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052                      | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                      | 130      | 1053         | 130      | Non-English specification  |          |
| 1812                      | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804                      | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                      | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251                      | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252                      | 420      | 2252         | 210      | Extension for reply within second month                                    |          |
| 1253                      | 950      | 2253         | 475      | Extension for reply within third month                                     |          |
| 1254                      | 1,480    | 2254         | 740      | Extension for reply within fourth month                                    |          |
| 1255                      | 2,010    | 2255         | 1,005    | Extension for reply within fifth month                                     |          |
| 1401                      | 330      | 2401         | 165      | Notice of Appeal   |          |
| 1402                      | 330      | 2402         | 165      | Filing a brief in support of an appeal                                     |          |
| 1403                      | 290      | 2403         | 145      | Request for oral hearing   |          |
| 1451                      | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452                      | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453                      | 1,330    | 2453         | 665      | Petition to revive - unintentional   |          |
| 1501                      | 1,330    | 2501         | 665      | Utility issue fee (or reissue)   |          |
| 1502                      | 480      | 2502         | 240      | Design issue fee   |          |
| 1503                      | 640      | 2503         | 320      | Plant issue fee  |          |
| 1460                      | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807                      | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(g)  |          |
| 1806                      | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021                      | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809                      | 770      | 2809         | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810                      | 770      | 2810         | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801                      | 770      | 2801         | 385      | Request for Continued Examination (RCE)                                    | 385      |
| 1802                      | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |
| Other fee (specify) _____ |          |              |          |  |          |
| <b>SUBTOTAL (3)</b>       |          |              |          | (\$)   |          |

| 1. BASIC FILING FEE |          |              |          |                        |          |
|---------------------|----------|--------------|----------|------------------------|----------|
| Large Entity        |          | Small Entity |          | Fee Description        | Fee Paid |
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001                | 770      | 2001         | 385      | Utility filing fee     |          |
| 1002                | 340      | 2002         | 170      | Design filing fee      |          |
| 1003                | 530      | 2003         | 265      | Plant filing fee       |          |
| 1004                | 770      | 2004         | 385      | Reissue filing fee     |          |
| 1005                | 160      | 2005         | 80       | Provisional filing fee |          |
| <b>SUBTOTAL (1)</b> |          |              |          | (\$)                   |          |

| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE |          |              |          |   |          |
|---|----------|--------------|----------|---|----------|
| Total Claims                                |          | Extra Claims |          | Fee Paid  |          |
|   |          |              |          |   |          |
| 28  | -20**= 8 | x            | 9        | =   | 72       |
| 3   | -3**= 0  | x            | 43       | =   | 00       |
|   |          |              |          | =   | 00       |
| Large Entity                                |          | Small Entity |          | Fee Description   | Fee Paid |
| Fee Code                                    | Fee (\$) | Fee Code     | Fee (\$) |   |          |
| 1202  | 18       | 2202         | 9        | Claims in excess of 20                                    |          |
| 1201  | 86       | 2201         | 43       | Independent claims in excess of 3                         |          |
| 1203  | 290      | 2203         | 145      | Multiple dependent claim, if not paid                     |          |
| 1204  | 86       | 2204         | 43       | **Reissue independent claims over original patent         |          |
| 1205  | 18       | 2205         | 9        | **Reissue claims in excess of 20 and over original patent |          |
| <b>SUBTOTAL (2)</b>                         |          |              |          | (\$)  |          |

\*\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

|                     |                  |                                   |               |
|---------------------|------------------|-----------------------------------|---------------|
| <b>SUBMITTED BY</b> |                  | <b>Complete (if applicable)</b>   |               |
| Name (Print/Type)   | Hector J. Ribera | Registration No. (Attorney/Agent) | 54,397        |
| Signature           |                  | Telephone (650) 335-7192          |               |
|                     |                  | Date                              | July 19, 2004 |